

Chilean medical college battling doctor participation in torture

Brian Goldman, MD

Despite the state of seige imposed last November, Chile's *Colegio Medico* continues to denounce physicians who work for the military. But they're taking a big risk.

The *Colegio Medico*, or Chilean College of Physicians and Surgeons, is playing a leading role in the denunciation of doctors employed by the military government of Augusto Pinochet to assist in torturing prisoners. However, the process of condemning these doctors is slow and tedious according to surgeon Pedro Castillo, a member of the college who also served as the president of Chile's national commission against torture.

"We don't want to make a mistake in our denunciations", said Castillo in an interview from his office in downtown Santiago. "Otherwise we will lose our credibility. We might do ourselves more harm than good."

It's difficult to estimate the number of physicians who participate in torture, according to Jorge Jimenez, a member of the college's general counsel. "Nobody really knows how many doctors are involved. We've received 10 or 15 accusations at the college. Presumably, there should be under-reporting because people are afraid of reprisals from the government."

The college recently decided to suspend one physician for "indirectly participating" in the torture of a young woman in Rancagua, a small town south of Santiago. The woman was taken to the local headquarters of *la Central Nacional de Informaciones* (CNI) — the secret police — where she was beaten and burned with cigarette butts. She was subsequently seen by Dr. Carlos Perez, an

orthopedic surgeon and a major in the Chilean army. He examined her and apparently falsified a report of her physical examination, omitting any mention of the burns.

Although blindfolded, the woman

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The Chilean College of Physicians and Surgeons is playing a leading role in denouncing doctors who participate in torture. The process is slow and tedious because a mistake in a denunciation would mean the loss of the college's credibility, causing more harm than good. Also, it is difficult to estimate the number of physicians who participate.

was able to recognize Perez, and she filed a complaint to the college. Jimenez admitted that the hearings which took place in 1984 proceeded smoothly because of the voluntary participation of Perez. "He collaborated with us in his testimony", said Jimenez. "and accepted our finding that he examined people in detention." According to Jimenez, Perez said he was present during the torture sessions in order to help patients, hoping that this would mitigate in his favour.

Although suspended from the college for 1 year after a final decision was reached last November, the punishment merely carried "moral weight", according to Dr. Haydee Lopez, general secretary of the college and an expert in public health. The reason for this judgement is that the college was stripped of most of its powers in 1981 under new legislation imposed by the Pinochet government in its revised constitution.

Prior to 1981, the college carried wide authority in Chile with the power to dictate ethical principles, to discipline physicians and even to set up visiting fees and salaries. College members formerly sat on the National Health Board which, prior to 1973, was a major force in setting health policy in Chile.

Jimenez said the case against Perez was not a satisfying one, because it was weak and the evidence circumstantial, which Jimenez hastened to point out is the problem with many of the complaints the college has received. Most of the victims are blindfolded so they cannot recognize the doctors looking after them. "However", said Jimenez, "we are now dealing with more clear-cut cases."

Currently, the college is working on the case of Federico Alvarez Santibanez, a school teacher who was arrested on Aug. 15, 1979 by CNI agents. He was severely beaten and tortured; 5 days later, he was

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examined by three physicians at the request of the CNI. All three wrote medical certificates at the time of their examinations stating Santibanez was in good health as of Aug. 20, 1979. One of the three physicians, an internist named Luis Losada, wrote in his medical certificate (which was obtained by *Cauce*, an opposition magazine): "I have professionally examined Federico Alvarez Santibanez. He is in good health and has no lesions of any kind".

On Aug. 21, 1979, Santibanez was rushed to *Postal Central*, the leading emergency hospital in Santi-

case files transferred to the college.

Jimenez admitted that "they gave us all this information because we have no legal power, only moral power". The college's ethics committee has extensively reviewed this particular case and within the next few weeks will decide on the discipline measures to take against the doctors involved.

However, both cases are not recent ones — the first case occurred in 1982 and 6 years have elapsed since the Santibanez case first became known — and this has been a source of consternation to Jimenez,

In 1981, the college was stripped of most of its powers under the law of labour associations. Under the revised law, physicians were no longer compelled to join the college and, therefore, they no longer had to submit to its code of ethics or to its disciplinary tribunals. Jorge Jimenez says the college has only moral, not legal, powers. However, he is encouraged by the growing tendency to report physicians who participate in torture.

ago, where he died. An autopsy showed that Santibanez had been severely beaten — he had several rib fractures, a pneumothorax, a fractured skull and significant subdural hematoma.

Santibanez's family obtained the services of a lawyer through the Catholic archdiocese of Santiago and complained to the college about the three doctors who were looking after Santibanez prior to his transfer to *Postal Central*. According to Jimenez, the cases were referred to a prosecutor in one of Chile's appellate courts, who contemplated charging them with criminal negligence. Although extensive cases were built up against the doctors, the cases have not been tried. One of the three doctors is a commissioned officer, and his case was referred to the military court where Jimenez believes he is unlikely to face any type of disciplinary measure. The other two doctors had their extensive

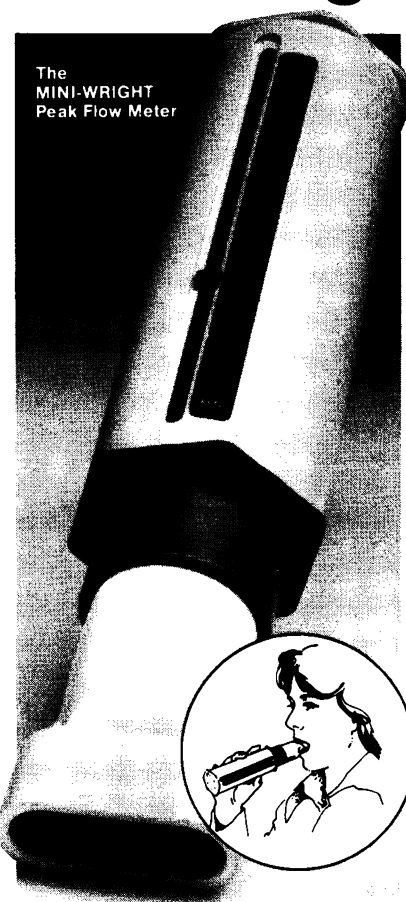
but he has been encouraged by the growing tendency of doctors to report suspected cases of torture much sooner.

The college recently received an accusation regarding an incident which allegedly took place in October 1984. A truck driver, a member of the opposition Christian Democratic Party, was beaten by CNI agents during an interrogation. Although no details are yet known, it is possible that a doctor may have attempted to treat the driver at the police station. Eventually, Dr. Diaz Gucci, a pediatrician at Santiago's *La Serena*, was called in to treat the driver because his blood pressure was falling. Gucci, who also works for the CNI, arranged to transfer him to *La Serena*, where despite emergency surgery, he died a few hours later of a ruptured spleen.

According to Castillo, who looked into this case, "We suspect this patient received blood where he

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While operating in opposition to a military dictatorship is difficult, maintaining a credible opposition during the present state of seige is an almost Herculean task. The state of seige gives the government wide powers and there is no recourse to civil courts. Although Jimenez says they have not received any threats from the military junta, the college is not taking anything for granted.

was being detained, because the surgeons who attempted a splenectomy found 10 litres of blood in his abdomen".

"What is so remarkable about this case", said Jimenez, "is that the surgeons who tried to save the man's life came forward so quickly, to denounce the way he had been treated while detained."

"This we think is the emergence of a new attitude among physicians in Chile", stated Jimenez. "We are proud that these doctors were brave enough to denounce the quality of care this unfortunate man received."

"We think the change is partly a product of the new *Colegio Medico*", he added. "It's our job to produce a different attitude against torture".

The college's practice of denouncing doctor participation in torture is a recent phenomenon. According to Lopez, during the years the country was run by Salvador Allende and after the coup that brought Augusto Pinochet to power, the college was "conservative, even 'right wing' in nature". The college was strongly opposed to Allende and even advocated the physician strikes that helped bring Chile to a halt, toppling the Allende regime.

From 1973 until 1980, the college remained loyal to Pinochet and, in return, enjoyed his confidence. When college members died or retired, they were replaced by non-elected people supportive of Pinochet. The college's opposition activity

began in 1981. Once stripped of its legal powers over doctors, Pinochet allowed the college to elect its leadership. Said Jimenez: "That was their mistake".

The nucleus of the current college leadership began as a group of private physicians who met on their own to discuss political repression in Chile and the growing use of torture. Once elected in 1981, they began their work in earnest. What emerged were major revisions in the Chilean code of ethics, which were completed in 1983.

"We had no provisions regarding torture, because we didn't have the problem before [Pinochet]. We had to add to it."

Operating in opposition to a military dictatorship is difficult; trying to maintain a credible opposition to the Pinochet government during the present state of seige is an almost Herculean task. The state of seige gives the government wide powers to arrest anyone it sees as a threat to the regime. Furthermore, there is no guaranteed recourse to civil courts under these conditions. Last November, when the state of seige was first declared, five opposition magazines were closed; despite this, *Vida Medica* — the official publication of the college — has continued to publish.

"We have been strong enough to maintain our proceedings against accused physicians", said Jimenez. "Yet under the state of seige, we are liable to penalties." Although the

college has not received any threats from the military since the seige began, the college is not taking anything for granted.

Richard Godoy, a physician and the college's leader in Chile's northern city of Arica, was one of the more than 600 people who have been arrested and placed in *relegacion*, or internal exile. Said Lopez: "The case of Dr. Godoy is especially disgusting to the college because he is our leader in Arica".

One physician who certainly doesn't take the freedom to criticize for granted is Castillo. American-trained and once a professor of surgery at the University of Chile, he was fired as chairman of the department of surgery in 1975 because of his opposition to the junta. In May 1981, he was arrested along with two other physicians on trumped-up charges. "We were kept in isolation for 3 weeks at Borgono prison", recalled Castillo.

"I've got to be very careful. My public life is quite open. I can't associate with any political parties." While Castillo denied having received any direct threats, he did admit to having been followed recently.

These physicians are fearful, yet sanguine, as they prepare to carry on their fight against torture and the regime that fosters it. However, they are realistic; they know that even if they triumph in the long run, many more lives will be irreparably damaged before they achieve their goals. ■